

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 17A.7, 476.1, and chapters 476B and 476C as amended by 2009 Iowa Acts, Senate File 456, the Utilities Board (Board) gives notice that on August 4, 2009, the Board issued an order in Docket No. RMU-2009-0005, In re: Wind Energy Tax Credits, “Order Adopting Rules.” The Board is adopting amendments to 199 IAC 15.18(476B), 15.19(476C), 15.20(476B), and 15.21(476C). The amendments reflect changes to Iowa Code chapters 476B and 476C contained in 2009 Iowa Acts, Senate File 456, which was signed by the Governor on April 23, 2009. The amendments also clarify that tax credit applications made pursuant to chapters 476B and 476C are not subject to the Board’s electronic filing rules found in 199 IAC 14.

2009 Iowa Acts, Senate File 456, made several changes to Iowa Code chapter 476B. The changes include setting a maximum nameplate capacity of 30 megawatts for eligibility applications filed after March 1, 2008; setting a minimum nameplate application of  $\frac{3}{4}$  of a megawatt, or 750 kilowatts, for eligibility applications filed after July 1, 2009, by listed educational institutions or hospitals; changing the requirements for seeking approval from the county board of supervisors; and removing a prohibition against receiving both property tax and sales tax exemptions. The amendments to 199 IAC 15.18 and 15.20 reflect these changes.

2009 Iowa Acts, Senate File 456, also made changes to Iowa Code chapter 476C. The changes include allowing an eligible wind generation facility to apply for a 12-month extension of its 30-month operational deadline if the facility is not operational due to the unavailability of necessary equipment. The new statutory requirement for extensions is reflected in the amendment to 199 IAC 15.19(4).

Notice of Intended Action in Docket No. RMU-2009-0005 was published in IAB Vol. XXXI, No. 26 (06/17/2009), p. 2787, as **ARC 7849B**. Written comments were received from the Consumer Advocate Division of the Department of Justice (Consumer Advocate) supporting the proposed amendments. An oral presentation was held on July 29, 2009. Consumer Advocate again offered comments supporting the amendments. There were no other commenters.

The Board does not find it necessary to propose a separate waiver provision in this rule making. The Board’s general waiver provision in 199 IAC 1.3(17A,474,476,78GA,HF2206) is applicable to these amendments.

The adopted amendments are identical to those published under Notice. Therefore, no additional notice is necessary prior to adopting these amendments.

The amendments will become effective on September 30, 2009.

These amendments are intended to implement Iowa Code section 476.1 and chapters 476B and 476C as amended by 2009 Iowa Acts, Senate File 456.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [15.18(1), 15.19(4), 15.20(1), 15.21(1)] is being omitted. These amendments are identical to those published under Notice as **ARC 7849B**, IAB 6/17/09.

[Filed 8/5/09, effective 9/30/09]

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[For replacement pages for IAC, see IAC Supplement 8/26/09.]